

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY WASHINGTON,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	No. 07-3462
	:	
JEFFREY BEARD, Commissioner,	:	
Pennsylvania Department of	:	THIS IS A CAPITAL CASE
Corrections, et al.,	:	
Respondents.	:	

ORDER

AND NOW, this 27th day of March 2012, upon consideration of the Respondent's Motion In Limine in Light of the Recent Decision in Cullen v. Pinholster (Doc. No. 87) and all responses and replies thereto, it is hereby ORDERED that the motion is **GRANTED IN PART AND DENIED IN PART**.

It is **FURTHER ORDERED**, upon consideration of the Respondent's Motion to Preclude the Expert Testimony of Dr. Steven Penrod (Doc. No. 86) and Petitioner's Response thereto (Doc. No. 93), it is hereby ORDERED that the motion is **DENIED** without prejudice with the right to object after a Daubert hearing, which will be scheduled in a subsequent court Order.

BY THE COURT:

/s/LAWRENCE F. STENGEL
LAWRENCE F. STENGEL, J.